## House File 336 - Introduced

HOUSE FILE 336
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

## A BILL FOR

- 1 An Act relating to postconviction relief procedure and the
- 2 underlying trial court record of the proceedings challenged.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 822.6, subsection 1, Code 2019, is
- 2 amended to read as follows:
- 3 l. Within thirty days after the docketing of the
- 4 application, or within any further time the court may fix,
- 5 the state shall respond by answer or by motion which may
- 6 be supported by affidavits. At any time prior to entry of
- 7 judgment the court may grant leave to withdraw the application.
- 8 The court may make appropriate orders for amendment of the
- 9 application or any pleading or motion, for pleading over, for
- 10 filing further pleadings or motions, or for extending the time
- 11 of the filing of any pleading. In considering the application
- 12 the court shall take account of substance regardless of defects
- 13 of form. If the application is not accompanied by the record
- 14 of the proceedings challenged therein, the respondent shall
- 15 file with its answer the record or portions thereof that are
- 16 material to the questions raised in the application.
- 17 Sec. 2. NEW SECTION. 822.6A Underlying trial court record
- 18 part of application.
- 19 The underlying trial court record containing the conviction
- 20 for which an applicant seeks postconviction relief, as well as
- 21 the court file containing any previous application filed by the
- 22 applicant relating to the same conviction, shall automatically
- 23 become part of the record in a claim for postconviction relief
- 24 under this chapter.
- 25 Sec. 3. NEW SECTION. 822.6B Electronic access to trial
- 26 court records.
- 27 l. Upon the filing of an application, the clerk of the
- 28 district court shall make the underlying trial court record
- 29 accessible to the applicant's attorney, the county attorney,
- 30 and the attorney general, without the necessity of a court
- 31 order. If the underlying trial court record is not available
- 32 in electronic format, the clerk of the district court shall
- 33 convert the record to an electronic format and make the record
- 34 available to the applicant's attorney, the county attorney, and
- 35 the attorney general, without the necessity of a court order.

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- 1 2. Upon request by an attorney of record, the clerk of 2 the district court shall make the court file containing 3 any previous application filed by the applicant relating to 4 the same conviction accessible to the applicant's attorney, 5 the county attorney, and the attorney general, without the 6 necessity of a court order. If the court file containing the 7 previous application is not available in electronic format, the 8 clerk of the district court shall convert the application to 9 an electronic format and make the application available to the 10 applicant's attorney, the county attorney, and the attorney 11 general, without the necessity of a court order. 12 NEW SECTION. 822.6C Associated costs. 13 No costs shall be assessed to the applicant, the applicant's 14 attorney, the county attorney, or the attorney general for 15 converting a court file or providing access to a court file
- 17 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 20 This bill relates to postconviction relief procedure and the 21 underlying trial court record of the proceedings challenged.
- 22 The bill strikes a provision which requires that if an
- 23 application for postconviction relief is not accompanied by the
- 24 underlying trial court record of the proceedings challenged,
- 25 the state shall file with its answer the record or portions
- 26 thereof that are material to the questions raised in the
- 27 application.

16 under this chapter.

- 28 The bill provides that the underlying trial court record
- 29 containing the conviction for which an applicant seeks
- 30 postconviction relief, as well as the court file containing
- 31 any previous postconviction relief application filed by the
- 32 applicant relating to the same conviction, shall automatically
- 33 become part of the record in a claim for postconviction relief.
- The bill provides that upon the filing of an application
- 35 for postconviction relief, the clerk of the district court

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1 shall make the underlying trial court record accessible to the 2 applicant's attorney, the county attorney, and the attorney 3 general, without the necessity of a court order. 4 trial court record is not available in electronic format, 5 the clerk shall convert the record to an electronic format 6 and make the record available to the applicant's attorney, 7 the county attorney, and the attorney general, without 8 the necessity of a court order. Upon request made by an 9 attorney of record, the clerk of the district court shall 10 make the court file containing any previous application for 11 postconviction relief filed by the applicant relating to 12 the same conviction accessible to the applicant's attorney, 13 the county attorney, and the attorney general, without the 14 necessity of a court order. If the court file containing the 15 previous postconviction relief application is not available in 16 electronic format, the clerk shall convert the application to 17 an electronic format and make the application available to the 18 applicant's attorney, the county attorney, and the attorney 19 general, without the necessity of a court order. The bill provides that no costs shall be assessed to the 21 applicant, the applicant's attorney, the county attorney, or 22 the attorney general for converting a court file or providing 23 access to a court file under Code chapter 822 (postconviction 24 procedure).